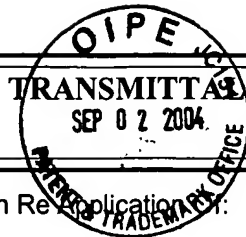


1/PW



TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
17035

In Re Application of: **Hiroyuki Irie, et al.**

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|--------------------|------------|--------------|----------------|------------------|
| 10/664,756 | September 18, 2003 | Unassigned | 23389 | 3738 | 4158 |

Title: **ARTIFICIAL BONE AND TISSUE ENGINEERING CARRIER**

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) and 1.97(c))

Docket No.

17035

Re Application: Hiroyuki Irie, et al.

Application No.

10/664,756

Filing Date

September 18, 2003

Examination

Unassigned

Customer No.

23389

Group Art Unit

3738

Confirmation No.

4158

ARTIFICIAL BONE AND TISSUE ENGINEERING CARRIER

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
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Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)

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Signature of Person Mailing Correspondence

Thomas Spinelli

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.

Dated: August 31, 2004

Thomas Spinelli

Registration No.: 39,533

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|----------------------|---|------------------|-----------------|
| Applicant(s): | Hiroyuki Irie, et al. | Examiner: | Unassigned |
| Serial No: | 10/664,756 | Art Unit: | 3738 |
| Filed: | September 18, 2003 | Docket: | 17035 |
| For: | ARTIFICIAL BONE AND TISSUE ENGINEERING CARRIER | Dated: | August 31, 2004 |
| Conf. No.: | 4158 | | |

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

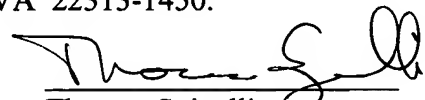
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Japanese Patent Application KOKAI Publication No. 63-040782, published February 22, 1988;
2. Japanese Patent Application KOKAI Publication No. 2002-017846, published January 22, 2002;

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 31, 2004


Thomas Spinelli

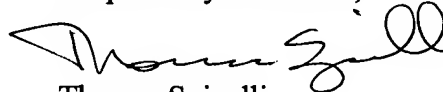
3. Okura, T., et al., "Development of Bone Compensation Agent Citrate R Air Hole Porous Body", Fine Ceram Rep., 16(7), pp. 156-157, July 1998; and
4. Japanese Patent Application KOKAI Publication No. 07-194688, published August 1, 1995.

The references listed above were cited in an Official Action dated August 3, 2004 received from the Japanese Patent Office. Applicants are submitting copies of the above references, together with a translation of the Examiner's comments regarding all of the references from the Official Action. Please note that the other reference cited in the Office Action, namely, Japanese Patent Application KOKAI Publication No. 2000-302567, published October 31, 2000 was previously submitted in applicant's Information Disclosure Statement dated September 18, 2003. The relevance of the references is described in the Official Action.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an official action by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

The undersigned attorney hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

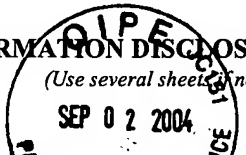
A handwritten signature in black ink, appearing to read "Thomas Spinelli", with a stylized flourish at the end.

Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

TS:cm

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|--|--|---|
|  <p>INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p> | Docket Number (Optional) 17035 | Application Number 10/664,756 |
| | Applicant(s) Hiroyuki Irie, et al. | |
| | Filing Date September 18, 2003 | Group Art Unit |

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
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U.S. PATENT APPLICATION PUBLICATIONS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|--|-----|-----------------|------------|---------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | | 63-040782 | 2/22/1988 | Japan | | | | |
| | | 2002-017846 | 1/22/2002 | Japan | | | | |
| | | 07-194688 | 8/1/1995 | Japan | | | | |
| | | 2000-302567 | 10/31/2000 | Japan | | | | |
| | | | | | | | | |

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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| | | Okura, T., et al., "Development of Bone Compensation Agent Citrate R Air Hole Porous Body", Fine Ceram Rep., 16(7), pp. 156-157, July 1998 |
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|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.